IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF GEORGIAN 27 PM 3: 11

AUGUSTA DIVISION

TYRONE ROBINSON,	•)
Petitioner,)
V) CV 108-158) (Formerly CR 107-149)
UNITED STATES OF AMERICA,) (Formerly CK 107-147)
Respondent.)

ORDER

After a careful, de novo review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is ADOPTED as the opinion of the Court. Therefore, Petitioner's § 2255 motion is **GRANTED** as to the out-of-time appeal, and DISMISSED without prejudice as to all other claims. Petitioner's judgment in the underlying criminal case is VACATED. (CR 107-149, doc. no. 29). Simultaneous with the entry of this Order, the Court is entering a new Judgment and Commitment Order ("J & C") that reimposes the same sentence, identical in all respects to the original J & C (id.), save only for the date of entry.

Petitioner is HEREBY ADVISED that with the entry of the new J & C, he shall have all the rights associated with an appeal from any criminal sentence. The Court also specifically advises Petitioner that the entry of the new J & C creates a fourteen-day period within which Petitioner may prosecute a direct appeal of his criminal conviction. Thus, Petitioner shall have **fourteen (14) days** from the date of entry of the J & C to file a notice of appeal. Finally, the Clerk of Court is **DIRECTED** to **CLOSE** this civil action and **ENTER** an appropriate final judgment in this civil case in favor of Petitioner. This Order and the new J & C shall be served on counsel of record by facsimile and by United States mail.¹

SO ORDERED this day of

2010, at Augusta, Georgia.

UNITED STATES DISTRICT JUDGE

¹The Court notes that Attorney Peter D. Johnson has been appointed to represent Petitioner on direct appeal. (CR 107-149).